

**ESSB 5894** - H COMM AMD

By Select Committee on Environmental Health

ADOPTED AS AMENDED 04/10/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "PART 1

4 CREATING A NEW CHAPTER DEDICATED TO LARGE ON-SITE

5 SEWAGE SYSTEMS

6 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. The legislature finds  
7 that:

8 (1) Protection of the environment and public health requires  
9 properly designed, operated, and maintained on-site sewage systems.  
10 Failure of those systems can pose certain health and environmental  
11 hazards if sewage leaks above ground or if untreated sewage reaches  
12 surface or groundwater.

13 (2) Chapter 70.118A RCW provides a framework for ongoing management  
14 of on-site sewage systems located in marine recovery areas and  
15 regulated by local health jurisdictions under state board of health  
16 rules. This chapter will provide a framework for comprehensive  
17 management of large on-site sewage systems statewide.

18 (3) The primary purpose of this chapter is to establish, in a  
19 single state agency, comprehensive regulation of the design, operation,  
20 and maintenance of large on-site sewage systems, and their operators,  
21 that provides both public health and environmental protection. To  
22 accomplish these purposes, this chapter provides for:

23 (a) The permitting and continuing oversight of large on-site sewage  
24 systems;

25 (b) The establishment by the department of standards and rules for  
26 the siting, design, construction, installation, operation, maintenance,  
27 and repair of large on-site sewage systems; and

28 (c) The enforcement by the department of the standards and rules  
29 established under this chapter.

1        NEW SECTION.    **Sec. 2.**    DEFINITIONS.    The definitions in this  
2 section apply throughout this chapter unless the context clearly  
3 requires otherwise.

4        (1) "Department" means the state department of health.

5        (2) "Industrial wastewater" means the water or liquid carried waste  
6 from an industrial process. These wastes may result from any process  
7 or activity of industry, manufacture, trade, or business, from the  
8 development of any natural resource, or from animal operations such as  
9 feedlots, poultry houses, or dairies. The term includes contaminated  
10 storm water and leachate from solid waste facilities.

11        (3) "Large on-site sewage system" means an on-site sewage system  
12 with design flows of between three thousand five hundred gallons per  
13 day and one hundred thousand gallons per day.

14        (4) "On-site sewage system" means an integrated system of  
15 components, located on or nearby the property it serves, that conveys,  
16 stores, treats, and provides subsurface soil treatment and disposal of  
17 domestic sewage. It consists of a collection system, a treatment  
18 component or treatment sequence, and a subsurface soil disposal  
19 component. It may or may not include a mechanical treatment system.  
20 An on-site sewage system also refers to a holding tank sewage system or  
21 other system that does not have a soil dispersal component. A holding  
22 tank that discharges to a sewer is not included in the definition of  
23 on-site sewage system. A system into which storm water or industrial  
24 wastewater is discharged is not included in the definition of on-site  
25 sewage system.

26        (5) "Person" means any individual, corporation, company,  
27 association, firm, partnership, governmental agency, or any other  
28 entity whatsoever, and the authorized agents of any such entities.

29        (6) "Secretary" means the secretary of health.

30        (7) "Waters of the state" has the same meaning as defined in RCW  
31 90.48.020.

32        NEW SECTION.    **Sec. 3.**    AUTHORIZING THE DEPARTMENT TO PROVIDE  
33 COMPREHENSIVE REGULATION OF LARGE ON-SITE SEWAGE SYSTEMS. (1) For the  
34 protection of human health and the environment the department shall:

35        (a) Establish and provide for the comprehensive regulation of large  
36 on-site sewage systems including, but not limited to, system siting,  
37 design, construction, installation, operation, maintenance, and repair;

1 (b) Control and prevent pollution of streams, lakes, rivers, ponds,  
2 inland waters, salt waters, water courses, and other surface and  
3 underground waters of the state of Washington, except to the extent  
4 authorized by permits issued under this chapter;

5 (c) Issue annual operating permits for large on-site sewage systems  
6 based on the system's ability to function properly in compliance with  
7 the applicable comprehensive regulatory requirements; and

8 (d) Enforce the large on-site sewage system requirements.

9 (2) Large on-site sewage systems permitted by the department may  
10 not be used for treatment and disposal of industrial wastewater or  
11 combined sanitary sewer and storm water systems.

12 (3) The work group convened under RCW 70.118A.080(4) to make  
13 recommendations to the appropriate committees of the legislature for  
14 the development of certification or licensing of maintenance  
15 specialists shall include recommendations for the development of  
16 certification or licensing of large on-site system operators.

17 NEW SECTION. **Sec. 4. ANNUAL OPERATING PERMITS REQUIRED--**  
18 **APPLICATION.** (1) A person may not install or operate a large on-site  
19 sewage system without an operating permit as provided in this chapter  
20 after July 1, 2009. The owner of the system is responsible for  
21 obtaining a permit.

22 (2) The department shall issue operating permits in accordance with  
23 the rules adopted under section 5 of this act.

24 (3) The department shall ensure the system meets all applicable  
25 siting, design, construction, and installation requirements prior to  
26 issuing an initial operating permit. Prior to renewing an operating  
27 permit, the department may review the performance of the system to  
28 determine compliance with rules and any permit conditions.

29 (4) At the time of initial permit application or at the time of  
30 permit renewal the department shall impose those permit conditions,  
31 requirements for system improvements, and compliance schedules as it  
32 determines are reasonable and necessary to ensure that the system will  
33 be operated and maintained properly. Each application must be  
34 accompanied by a fee as established in rules adopted by the department.

35 (5) Operating permits shall be issued for a term of one year, and  
36 shall be renewed annually, unless the operator fails to apply for a new

1 permit or the department finds good cause to deny the application for  
2 renewal.

3 (6) Each permit may be issued only for the site and owner named in  
4 the application. Permits are not transferable or assignable except  
5 with the written approval of the department.

6 (7) The department may deny an application for a permit or modify,  
7 suspend, or revoke a permit in any case in which it finds that the  
8 permit was obtained by fraud or there is or has been a failure,  
9 refusal, or inability to comply with the requirements of this chapter  
10 or the standards or rules adopted under this chapter. RCW 43.70.115  
11 governs notice of denial, revocation, suspension, or modification and  
12 provides the right to an adjudicative proceeding to the permit  
13 applicant or permittee.

14 (8) For systems with design flows of more than fourteen thousand  
15 five hundred gallons per day, the department shall adopt rules to  
16 ensure adequate public notice and opportunity for review and comment on  
17 initial large on-site sewage system permit applications and subsequent  
18 permit applications to increase the volume of waste disposal or change  
19 effluent characteristics. The rules must include provisions for notice  
20 of final decisions. Methods for providing notice may include  
21 electronic mail, posting on the department's internet site, publication  
22 in a local newspaper, press releases, mailings, or other means of  
23 notification the department determines appropriate.

24 (9) A person aggrieved by the issuance of an initial permit, or by  
25 the issuance of a subsequent permit to increase the volume of waste  
26 disposal or to change effluent characteristics, for systems with design  
27 flows of more than fourteen thousand five hundred gallons per day, has  
28 the right to an adjudicative proceeding. The application for an  
29 adjudicative proceeding must be in writing, state the basis for  
30 contesting the action, include a copy of the decision, be served on and  
31 received by the department within twenty-eight days of receipt of  
32 notice of the final decision, and be served in a manner that shows  
33 proof of receipt. An adjudicative proceeding conducted under this  
34 subsection is governed by chapter 34.05 RCW.

35 (10) Any permit issued by the department of ecology for a large  
36 on-site sewage system under chapter 90.48 RCW is valid until it first  
37 expires after the effective date of this section. The system owner

1 shall apply for an operating permit at least one hundred twenty days  
2 prior to expiration of the department of ecology permit.

3 (11) Systems required to meet operator certification requirements  
4 under chapter 70.95B RCW must continue to meet those requirements as a  
5 condition of the department operating permit.

6 NEW SECTION. **Sec. 5.** RULE MAKING. (1) For the protection of  
7 human health and the environment, the secretary shall adopt rules for  
8 the comprehensive regulation of large on-site sewage systems, which  
9 includes, but is not limited to, the siting, design, construction,  
10 installation, maintenance, repair, and permitting of the systems.

11 (2) In adopting the rules, the secretary shall, in consultation  
12 with the department of ecology, require that large on-site sewage  
13 systems comply with the applicable sections of chapter 90.48 RCW  
14 regarding control and prevention of pollution of waters of the state,  
15 including but not limited to:

16 (a) Surface and ground water standards established under RCW  
17 90.48.035; and

18 (b) Those provisions requiring all known, available, and reasonable  
19 methods of treatment.

20 (3) In adopting the rules, the secretary shall ensure that  
21 requirements for large on-site sewage systems are consistent with the  
22 requirements of any comprehensive plans or development regulations  
23 adopted under chapter 36.70A RCW or any other applicable comprehensive  
24 plan, land use plan, or development regulation adopted by a city, town,  
25 or county.

26 NEW SECTION. **Sec. 6.** CIVIL PENALTIES. (1) A person who violates  
27 a law or rule regulating on-site sewage systems administered by the  
28 department is subject to a penalty of not more than ten thousand  
29 dollars per day for every violation. Every violation is a separate and  
30 distinct offense. In case of a continuing violation, each day's  
31 continuing violation is a separate and distinct violation. The penalty  
32 assessed must reflect the significance of the violation and the  
33 previous record of compliance on the part of the person responsible for  
34 compliance with on-site sewage system requirements.

35 (2) Every person who, through an act of commission or omission,

1 procures, aids, or abets a violation is considered to have violated the  
2 provisions of this section and is subject to the penalty provided in  
3 this section.

4 (3) The penalty provided for in this section must be imposed by a  
5 notice in writing to the person against whom the civil penalty is  
6 assessed and must describe the violation. The notice must be  
7 personally served in the manner of service of a summons in a civil  
8 action or in a manner that shows proof of receipt. A penalty imposed  
9 by this section is due twenty-eight days after receipt of notice unless  
10 application for an adjudicative proceeding is filed as provided in  
11 subsection (4) of this section.

12 (4) Within twenty-eight days after notice is received, the person  
13 incurring the penalty may file an application for an adjudicative  
14 proceeding and may pursue subsequent review as provided in chapter  
15 34.05 RCW and applicable rules.

16 (5) A penalty imposed by a final administrative order is due upon  
17 service of the final administrative order. A person who fails to pay  
18 a penalty assessed by a final administrative order within thirty days  
19 of service of the final administrative order shall pay, in addition to  
20 the amount of the penalty, interest at the rate of one percent of the  
21 unpaid balance of the assessed penalty for each month or part of a  
22 month that the penalty remains unpaid, commencing with the month in  
23 which the notice of penalty was served, and reasonable attorneys' fees  
24 as are incurred if civil enforcement of the final administrative order  
25 is required to collect the penalty.

26 (6) A person who institutes proceedings for judicial review of a  
27 final administrative order assessing a civil penalty under this chapter  
28 shall place the full amount of the penalty in an interest-bearing  
29 account in the registry of the reviewing court. At the conclusion of  
30 the proceeding the court shall, as appropriate, enter a judgment on  
31 behalf of the department and order that the judgment be satisfied to  
32 the extent possible from moneys paid into the registry of the court or  
33 shall enter a judgment in favor of the person appealing the penalty  
34 assessment and order return of the moneys paid into the registry of the  
35 court together with accrued interest to the person appealing. The  
36 judgment may award reasonable attorneys' fees for the cost of the  
37 attorney general's office in representing the department.

1 (7) If no appeal is taken from a final administrative order  
2 assessing a civil penalty under this chapter, the department may file  
3 a certified copy of the final administrative order with the clerk of  
4 the superior court in which the on-site sewage system is located or in  
5 Thurston county, and the clerk shall enter judgment in the name of the  
6 department and in the amount of the penalty assessed in the final  
7 administrative order.

8 (8) A judgment entered under subsection (6) or (7) of this section  
9 has the same force and effect as, and is subject to all of the  
10 provisions of law relating to, a judgment in a civil action, and may be  
11 enforced in the same manner as any other judgment of the court in which  
12 it is entered.

13 (9) The large on-site sewage systems account is created in the  
14 custody of the state treasurer. All receipts from penalties imposed  
15 under this section shall be deposited into the account. Expenditures  
16 from the account shall be used by the department to provide training  
17 and technical assistance to on-site sewage system owners and operators.  
18 Only the secretary or the secretary's designee may authorize  
19 expenditures from the account. The account is subject to allotment  
20 procedures under chapter 43.88 RCW, but an appropriation is not  
21 required for expenditures.

22 NEW SECTION. **Sec. 7.** INJUNCTIONS. Notwithstanding the existence  
23 or use of any other remedy, the department may bring an action to  
24 enjoin a violation or threatened violation of this chapter or rules  
25 adopted under this chapter. The department may bring the action in the  
26 superior court of the county in which the large on-site sewage system  
27 is located or in the superior court of Thurston county.

28 NEW SECTION. **Sec. 8.** The authority and duties created in this  
29 chapter are in addition to any authority and duties already provided in  
30 law. Nothing in this chapter limits the powers of the state or any  
31 political subdivision to exercise such authority.

32 **PART 2**

33 **AMENDING CHAPTERS 70.118 AND 70.05 RCW TO ENHANCE LOCAL**  
34 **HEALTH OFFICER ENFORCEMENT AUTHORITY REGARDING ON-SITE SYSTEMS**

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 70.118 RCW  
2 to read as follows:

3        CIVIL PENALTIES.    A local health officer who is responsible for  
4 administering and enforcing regulations regarding on-site sewage  
5 disposal systems is authorized to issue civil penalties for violations  
6 of those regulations under the same limitations and requirements  
7 imposed on the department under section 6 of this act, except that  
8 judgments shall be entered in the name of the local health jurisdiction  
9 and penalties shall be placed into the general fund or funds of the  
10 entity or entities operating the local health jurisdiction.

11        **Sec. 10.**    RCW 70.05.070 and 1999 c 391 s 5 are each amended to read  
12 as follows:

13        The local health officer, acting under the direction of the local  
14 board of health or under direction of the administrative officer  
15 appointed under RCW 70.05.040 or 70.05.035, if any, shall:

16        (1) Enforce the public health statutes of the state, rules of the  
17 state board of health and the secretary of health, and all local health  
18 rules, regulations and ordinances within his or her jurisdiction  
19 including imposition of penalties authorized under RCW 70.119A.030 and  
20 section 9 of this act, the confidentiality provisions in RCW 70.24.105  
21 and rules adopted to implement those provisions, and filing of actions  
22 authorized by RCW 43.70.190;

23        (2) Take such action as is necessary to maintain health and  
24 sanitation supervision over the territory within his or her  
25 jurisdiction;

26        (3) Control and prevent the spread of any dangerous, contagious or  
27 infectious diseases that may occur within his or her jurisdiction;

28        (4) Inform the public as to the causes, nature, and prevention of  
29 disease and disability and the preservation, promotion and improvement  
30 of health within his or her jurisdiction;

31        (5) Prevent, control or abate nuisances which are detrimental to  
32 the public health;

33        (6) Attend all conferences called by the secretary of health or his  
34 or her authorized representative;

35        (7) Collect such fees as are established by the state board of  
36 health or the local board of health for the issuance or renewal of

1 licenses or permits or such other fees as may be authorized by law or  
2 by the rules of the state board of health;

3 (8) Inspect, as necessary, expansion or modification of existing  
4 public water systems, and the construction of new public water systems,  
5 to assure that the expansion, modification, or construction conforms to  
6 system design and plans;

7 (9) Take such measures as he or she deems necessary in order to  
8 promote the public health, to participate in the establishment of  
9 health educational or training activities, and to authorize the  
10 attendance of employees of the local health department or individuals  
11 engaged in community health programs related to or part of the programs  
12 of the local health department.

13 **PART 3**

14 **AMENDING STATE BOARD OF HEALTH RULE-MAKING AUTHORITY FOR**  
15 **ON-SITE SEWAGE SYSTEMS**

16 **Sec. 11.** RCW 43.20.050 and 1993 c 492 s 489 are each amended to  
17 read as follows:

18 (1) The state board of health shall provide a forum for the  
19 development of public health policy in Washington state. It is  
20 authorized to recommend to the secretary means for obtaining  
21 appropriate citizen and professional involvement in all public health  
22 policy formulation and other matters related to the powers and duties  
23 of the department. It is further empowered to hold hearings and  
24 explore ways to improve the health status of the citizenry.

25 (a) At least every five years, the state board shall convene  
26 regional forums to gather citizen input on public health issues.

27 (b) Every two years, in coordination with the development of the  
28 state biennial budget, the state board shall prepare the state public  
29 health report that outlines the health priorities of the ensuing  
30 biennium. The report shall:

- 31 (i) Consider the citizen input gathered at the forums;  
32 (ii) Be developed with the assistance of local health departments;  
33 (iii) Be based on the best available information collected and  
34 reviewed according to RCW 43.70.050 and recommendations from the  
35 council;

1 (iv) Be developed with the input of state health care agencies. At  
2 least the following directors of state agencies shall provide timely  
3 recommendations to the state board on suggested health priorities for  
4 the ensuing biennium: The secretary of social and health services, the  
5 health care authority administrator, the insurance commissioner, the  
6 superintendent of public instruction, the director of labor and  
7 industries, the director of ecology, and the director of agriculture;

8 (v) Be used by state health care agency administrators in preparing  
9 proposed agency budgets and executive request legislation;

10 (vi) Be submitted by the state board to the governor by January 1st  
11 of each even-numbered year for adoption by the governor. The governor,  
12 no later than March 1st of that year, shall approve, modify, or  
13 disapprove the state public health report.

14 (c) In fulfilling its responsibilities under this subsection, the  
15 state board may create ad hoc committees or other such committees of  
16 limited duration as necessary.

17 (2) In order to protect public health, the state board of health  
18 shall:

19 (a) Adopt rules necessary to assure safe and reliable public  
20 drinking water and to protect the public health. Such rules shall  
21 establish requirements regarding:

22 (i) The design and construction of public water system facilities,  
23 including proper sizing of pipes and storage for the number and type of  
24 customers;

25 (ii) Drinking water quality standards, monitoring requirements, and  
26 laboratory certification requirements;

27 (iii) Public water system management and reporting requirements;

28 (iv) Public water system planning and emergency response  
29 requirements;

30 (v) Public water system operation and maintenance requirements;

31 (vi) Water quality, reliability, and management of existing but  
32 inadequate public water systems; and

33 (vii) Quality standards for the source or supply, or both source  
34 and supply, of water for bottled water plants.

35 (b) Adopt rules and standards for prevention, control, and  
36 abatement of health hazards and nuisances related to the disposal of  
37 wastes, solid and liquid, including but not limited to sewage, garbage,  
38 refuse, and other environmental contaminants; adopt standards and

1 procedures governing the design, construction, and operation of sewage,  
2 garbage, refuse and other solid waste collection, treatment, and  
3 disposal facilities;

4 (c) Adopt rules controlling public health related to environmental  
5 conditions including but not limited to heating, lighting, ventilation,  
6 sanitary facilities, cleanliness and space in all types of public  
7 facilities including but not limited to food service establishments,  
8 schools, institutions, recreational facilities and transient  
9 accommodations and in places of work;

10 (d) Adopt rules for the imposition and use of isolation and  
11 quarantine;

12 (e) Adopt rules for the prevention and control of infectious and  
13 noninfectious diseases, including food and vector borne illness, and  
14 rules governing the receipt and conveyance of remains of deceased  
15 persons, and such other sanitary matters as admit of and may best be  
16 controlled by universal rule; and

17 (f) Adopt rules for accessing existing data bases for the purposes  
18 of performing health related research.

19 (3) The state board shall adopt rules for the design, construction,  
20 installation, operation, and maintenance of those on-site sewage  
21 systems with design flows of less than three thousand five hundred  
22 gallons per day.

23 (4) The state board may delegate any of its rule-adopting authority  
24 to the secretary and rescind such delegated authority.

25 ((+4)) (5) All local boards of health, health authorities and  
26 officials, officers of state institutions, police officers, sheriffs,  
27 constables, and all other officers and employees of the state, or any  
28 county, city, or township thereof, shall enforce all rules adopted by  
29 the state board of health. In the event of failure or refusal on the  
30 part of any member of such boards or any other official or person  
31 mentioned in this section to so act, he or she shall be subject to a  
32 fine of not less than fifty dollars, upon first conviction, and not  
33 less than one hundred dollars upon second conviction.

34 ((+5)) (6) The state board may advise the secretary on health  
35 policy issues pertaining to the department of health and the state.

36 **PART 4**  
37 **EXEMPTING OPERATORS**

1 CERTIFIED BY THE DEPARTMENT OF HEALTH

2 **Sec. 12.** RCW 90.48.162 and 1972 ex.s. c 140 s 1 are each amended  
3 to read as follows:

4 Any county or any municipal or public corporation operating or  
5 proposing to operate a sewerage system, including any system which  
6 collects only domestic sewerage, which results in the disposal of waste  
7 material into the waters of the state shall procure a permit from the  
8 department of ecology before so disposing of such materials. This  
9 section is intended to extend the permit system of RCW 90.48.160 to  
10 counties and municipal or public corporations and the provisions of RCW  
11 90.48.170 through ~~((90.48.210))~~ 90.48.200 and 90.52.040 shall be  
12 applicable to the permit requirement imposed under this section. A  
13 permit under this chapter is not required for large on-site sewage  
14 systems permitted by the department of health under chapter 70.-- RCW  
15 (sections 1 through 8 of this act) or for on-site sewage systems  
16 permitted by local health jurisdictions under rules of the state board  
17 of health.

18 **Sec. 13.** RCW 90.48.110 and 2002 c 161 s 5 are each amended to read  
19 as follows:

20 (1) Except under subsection (2) of this section, all engineering  
21 reports, plans, and specifications for the construction of new sewerage  
22 systems, sewage treatment or disposal plants or systems, or for  
23 improvements or extensions to existing sewerage systems or sewage  
24 treatment or disposal plants, and the proposed method of future  
25 operation and maintenance of said facility or facilities, shall be  
26 submitted to and be approved by the department, before construction  
27 thereof may begin. No approval shall be given until the department is  
28 satisfied that said plans and specifications and the methods of  
29 operation and maintenance submitted are adequate to protect the quality  
30 of the state's waters as provided for in this chapter. Approval under  
31 this chapter is not required for large on-site sewage systems permitted  
32 by the department of health under chapter 70.-- RCW (sections 1 through  
33 8 of this act) or for on-site sewage systems regulated by local health  
34 jurisdictions under rules of the state board of health.

35 (2) To promote efficiency in service delivery and intergovernmental  
36 cooperation in protecting the quality of the state's waters, the

1 department may delegate the authority for review and approval of  
2 engineering reports, plans, and specifications for the construction of  
3 new sewerage systems, sewage treatment or disposal plants or systems,  
4 or for improvements or extensions to existing sewerage system or sewage  
5 treatment or disposal plants, and the proposed method of future  
6 operations and maintenance of said facility or facilities and  
7 industrial pretreatment systems, to local units of government  
8 requesting such delegation and meeting criteria established by the  
9 department.

10 (3) For any new or revised general sewer plan submitted for review  
11 under this section, the department shall review and either approve,  
12 conditionally approve, reject, or request amendments within ninety days  
13 of the receipt of the submission of the plan. The department may  
14 extend this ninety-day time limitation for new submittals by up to an  
15 additional ninety days if insufficient time exists to adequately review  
16 the general sewer plan. For rejections of plans or extensions of the  
17 timeline, the department shall provide in writing to the local  
18 government entity the reason for such action. In addition, the  
19 governing body of the local government entity and the department may  
20 mutually agree to an extension of the deadlines contained in this  
21 section.

22 **PART 5**

23 **AMENDING RCW 36.94.010 TO CLARIFY ITS APPLICABILITY TO**  
24 **LARGE ON-SITE SEWAGE SYSTEMS**

25 **Sec. 14.** RCW 36.94.010 and 1997 c 447 s 10 are each amended to  
26 read as follows:

27 As used in this chapter:

28 (1) A "system of sewerage" means and may include any or all of the  
29 following:

30 (a) Sanitary sewage collection, treatment, and/or disposal  
31 facilities and services, including without limitation on-site or off-  
32 site sanitary sewerage facilities, large on-site sewage systems defined  
33 under section 2 of this act, inspection services and maintenance  
34 services for private or public on-site systems, or any other means of  
35 sewage treatment and disposal approved by the county;

1 (b) Combined sanitary sewage disposal and storm or surface water  
2 drains and facilities;

3 (c) Storm or surface water drains, channels, and facilities;

4 (d) Outfalls for storm drainage or sanitary sewage and works,  
5 plants, and facilities for storm drainage or sanitary sewage treatment  
6 and disposal, and rights and interests in property relating to the  
7 system;

8 (e) Combined water and sewerage systems;

9 (f) Point and nonpoint water pollution monitoring programs that are  
10 directly related to the sewerage facilities and programs operated by a  
11 county;

12 (g) Public restroom and sanitary facilities;

13 (h) The facilities and services authorized in RCW 36.94.020; and

14 (i) Any combination of or part of any or all of such facilities.

15 (2) A "system of water" means and includes:

16 (a) A water distribution system, including dams, reservoirs,  
17 aqueducts, plants, pumping stations, transmission and lateral  
18 distribution lines and other facilities for distribution of water;

19 (b) A combined water and sewerage system;

20 (c) Any combination of or any part of any or all of such  
21 facilities.

22 (3) A "sewerage and/or water general plan" means a general plan for  
23 a system of sewerage and/or water for the county which shall be an  
24 element of the comprehensive plan established by the county pursuant to  
25 RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a  
26 comprehensive plan.

27 (a) A sewerage general plan shall include the general location and  
28 description of treatment and disposal facilities, trunk and interceptor  
29 sewers, pumping stations, monitoring and control facilities, channels,  
30 local service areas and a general description of the collection system  
31 to serve those areas, a description of on-site sanitary sewerage system  
32 inspection services and maintenance services, and other facilities and  
33 services as may be required to provide a functional and implementable  
34 plan, including preliminary engineering to assure feasibility. The  
35 plan may also include a description of the regulations deemed  
36 appropriate to carrying out surface drainage plans.

37 (b) A water general plan shall include the general location and  
38 description of water resources to be utilized, wells, treatment

1 facilities, transmission lines, storage reservoirs, pumping stations,  
2 and monitoring and control facilities as may be required to provide a  
3 functional and implementable plan.

4 (c) Water and/or sewerage general plans shall include preliminary  
5 engineering in adequate detail to assure technical feasibility and, to  
6 the extent then known, shall further discuss the methods of  
7 distributing the cost and expense of the system and shall indicate the  
8 economic feasibility of plan implementation. The plans may also  
9 specify local or lateral facilities and services. The sewerage and/or  
10 water general plan does not mean the final engineering construction or  
11 financing plans for the system.

12 (4) "Municipal corporation" means and includes any city, town,  
13 metropolitan municipal corporation, any public utility district which  
14 operates and maintains a sewer or water system, any sewer, water,  
15 diking, or drainage district, any diking, drainage, and sewerage  
16 improvement district, and any irrigation district.

17 (5) A "private utility" means and includes all utilities, both  
18 public and private, which provide sewerage and/or water service and  
19 which are not municipal corporations within the definition of this  
20 chapter. The ownership of a private utility may be in a corporation,  
21 nonprofit or for profit, in a cooperative association, in a mutual  
22 organization, or in individuals.

23 (6) "Board" means one or more boards of county commissioners and/or  
24 the legislative authority of a home rule charter county.

25 NEW SECTION. **Sec. 15.** Sections 1 through 8 of this act constitute  
26 a new chapter in Title 70 RCW.

27 NEW SECTION. **Sec. 16.** Captions and part headings used in this act  
28 are not any part of the law."

**ESSB 5894** - H COMM AMD

By Select Committee on Environmental Health

**ADOPTED AS AMENDED 04/10/2007**

1        On page 1, line 2 of the title, after "systems;" strike the  
2 remainder of the title and insert "amending RCW 70.05.070, 43.20.050,  
3 90.48.162, 90.48.110, and 36.94.010; adding new sections to chapter  
4 70.118 RCW; adding a new chapter to Title 70 RCW; creating a new  
5 section; and prescribing penalties."

--- END ---